

# War Powers Curb Voted By Hill Panel

By Spencer Rich  
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The Senate Foreign Relations Committee yesterday approved 13 to 0 a bill limiting the President's authority to initiate undeclared war without advance approval from Congress.

The bill is the broadest assertion so far of the congressional drive to curb the President's power to start military operations. It is certain to spark a lengthy debate over the President's constitutional war-making powers when it reaches the floor early next year.

The bill was sponsored by Senate Armed Services Committee Chairman John C. Stennis (D-Miss.) and Sens. Jacob K. Javits (R-N.Y.), William B. Spong (D-Va.) and Thomas F. Eagleton (D-Mo.).

The bill, steered through the committee by Javits, was opposed by the State Department during earlier hearings. As approved yesterday, it bars the President from initiating combat activities against nations previously at peace with the United States unless he has advance approval from Congress, or unless an emergency arises and it is impossible to consult Congress in advance. Four specific types of emergencies are spelled out.

## POWERS, From A1

Even when he takes action under the emergency provisions, however, the President is forbidden by the bill from continuing combat activities for more than 30 days, unless he comes to Congress and receives a specific authorization to keep up the fighting. The bill applies only to future wars; combat activities in the current Indochina war are excluded from its coverage.

Also approved yesterday, by unanimous committee voice vote, was a bill sponsored by Sen. Clifford P. Case (R-N.J.), requiring international agreements between the United States and other na-

tions to be submitted to Congress within 60 days of the time they are concluded, in classified form if necessary. This bill arose out of disputes between Congress and the White House over the latter's refusal to submit the texts of various agreements that Congress demanded to see.

Both the Javits-Stennis bill and the Case bill reflect rising sentiment in the Senate that Congress, over the past several generations, has increasingly surrendered to the White House its constitutional right to determine when the United States shall go to war and when it shall make binding international commitments.

Although the Constitution requires a congressional declaration of war—a joint resolution—before the nation can formally go to war, Presidents have initiated military action

on numerous occasions without first consulting Congress and obtaining its express approval.

In most cases, like the Dominican intervention, these were brush-fire actions. But in the case of Korea, President Truman ordered combat activities and only later received United Nations sanction. He never received any formal congressional approval. On other occasions, Presidents have cited general resolutions or military appropriations as congressional endorsements for unilaterally taken military activities.

Stennis, Javits and other sponsors of the war powers bill reported out yesterday took the position that while the President should have power to respond to emergencies, Congress should have the absolute and final say over whether the nation should continue hostilities.

The bill approved yesterday provides that the President may take emergency action, without advance congressional consent, to repel an attack on the United States, its territories or its armed forces sta-

tioned abroad; to respond to such an attack, or "to forestall the direct and imminent threat of such an attack."

Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) said he was disturbed by the "forestall" language, saying that it might seem to authorize a pre-emptive first strike.

He said he might offer new language on the floor to remove this implication. Javits responded that the words "direct and imminent" were intended to limit sharply the "forestall" power. If we know the Russians have pushed the button, he said, we would not wait till our cities are in ruins to hit back. It was believed that without the "forestall" language, Stennis might have withdrawn his support.

Emergency action would also be allowed to protect U.S. citizens while evacuating them from places of danger.

Under the bill, no treaty would be automatically self-enforcing. Unless specific advance legislation was passed authorizing the President to take military action to implement a treaty, he could not

take action unless the emergency situations described above existed.

Having taken any such emergency action, the President would have to call off the troops within 30 days unless Congress expressly authorized the military action to continue by means of a joint resolution or legislative bill.

Javits said, "I consider this a very historic day in which we're coming to grips with an open question in the Constitution."

Javits said the legislation "forces Congress as a matter of law" to consider specifically whether an American action, once undertaken, should be continued and enlarged into an undeclared war.

The Case bill — on submission of executive agreements — arose in part from the administration's failure to submit the text of the renewal of the Spanish base agreement. An identical bill was sponsored 17 years ago by Sens. Homer Ferguson (R-Mich.) and William F. Knowland (R-Calif.) and eventually passed the Senate in 1956 but there was no House action.

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## Senate Unit Votes Presidential War-Power Curb

By JOHN W. FINNEY  
 Special to The New York Times

WASHINGTON, Dec. 7—The Senate Foreign Relations Committee unanimously approved today legislation that would impose Congressional restrictions on the war-making powers of the Presidency.

As another step toward reasserting the powers of Congress in foreign policy, the committee also approved a bill that would require the executive branch to transmit all international agreements to Congress for its information.

Both bills have been opposed by the Nixon Administration, and their adoption by the Senate committee set the stage for a legislative struggle next year over the constitutional powers of Congress and the executive branch in foreign policy. The two bills are expected to be considered by the Senate in the session next year.

### Advisers Would Be Banned

Basically the legislation would empower the President to use armed force to forestall an attack on the United States or its armed forces and to protect United States citizens while they were being evacuated from a foreign country. But it would provide that the President could not continue hostilities for more than 30 days without obtaining the approval of Congress.

Another provision, growing directly out of the Vietnam experience, would prohibit the President — in the absence of specific Congressional authorization — from sending military advisers to a country engaged in hostilities.

The committee added another provision specifying that even in emergency situations, the

President should first seek Congressional approval, unless he decided that the conditions did not permit seeking advance Congressional authorization.

The legislation has the sponsorship of a cross section of conservatives and liberals that seems to assure its adoption by the Senate.

Its principal co-sponsors are Senator Jacob K. Javits, a Republican liberal from New York, Senator John Stennis, a conservative Democrat from Mississippi and chairman of the Armed Services Committee, and two freshmen Senators, Thomas F. Eagleton, Democrat of Mis-

souri, and William B. Spong Jr., Democrat of Virginia.

Senator Javits, the principal author of the legislation, described the committee's approval as "a very historic day in which we are coming to grips with an open question in the Constitution."

The Administration has objected to the Javits bill as an infringement upon the authority of the President as Commander in Chief and has proposed instead of legislative restrictions a pattern of consultation between Congress and the executive branch.

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